

From: David W Tomczak (Claimant)
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25 Jul 2021

To: United States Bankruptcy Court Southern District of New York
300 Quarropas Street
White Plains, New York 10601
Attn: Honorable Robert D. Drain
In regard to SEARS HOLDINGS CORPORATION, et al, Debtors, Case No. 18-23538 (RDD)

Cc: Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153
Attn: Ray C. Schrock, Esq, Jacqueline Marcus, Esq, Garratt A. Fail, Esq, Sunny Singh, Esq (Attorneys for Debtors)

Cc: Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, New York 10036
Attn: Philip C. Dublin, Esq, Ira Dubendorf, Esq, Sara Lynne Brauner, Esq (Attorneys for the Official Committee of Unsecured Creditors)

Reference 1: Letter dated 11 Sep 2019 from Claimant, which was the Response to the Objection to the United States Bankruptcy Court Southern District of New York, in regard to Case No. 18-23538 (RDD), Document 5101, Filed 9 Sept 2019, as it applies to Claim No. 12865.

Reference 2: Case 18-23538 (RDD), Document 6378, Filed 21 Jan 2020; Notice with respect to Debtors' eighth omnibus objection to proofs of claim (duplicate claims), where Debtors' objection was withdrawn as it pertains to Proof of Claim No. 12865.

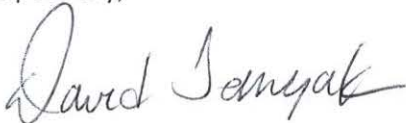
Reference 3: Email from Debtors' counsel, Phil Didonator, Esq, dated 20 July 2021, to Claimant, stating that the Objection to the Proof of Claim No. 12865 is not duplicative, and confirming that the Proof of Claim No. 12865 was mistakenly listed on the Objection (Document 9660) filed on 16 July 2021.

Subject: Response to the Objection to the United States Bankruptcy Court Southern District of New York, in regard to SEARS HOLDINGS CORPORATION, et al, Debtors, Case No. 18-23538 (RDD), Document 9660, Filed 16 July 2021, as it applies to Claim No. 12865

1. This is the second time that the Debtors' asserted falsely that Claim No 12865 was duplicative. As was stated in reference 1 and now repeated here:
 - a. The Claim No 12865 for the amount of \$10,662.50 (referenced in line #31 under Exhibit A under Duplicate Claims) should not be disallowed and expunged for the reasons set forth in the Objection. The Objection asserts that Claim No 12865 is a duplicative claim, which is false. As the facts will show, the Claimant used **two** separate brokerage accounts to

- separately purchase 10 bonds from each brokerage account (the first 10 were identified in Claim No 12865 and the second 10 were identified in Claim No 12872).
- b. In review of the brokerage records, the purchase under Claim #12872 for 10 bonds (CUSIP# 812350AE6 – Sears Holdings Corporation), was performed on 16 Oct 2017 via the Claimant's personal *Charles Schwab* brokerage account, where these same 10 bonds are still being held as shown in the 31 Aug 2019 statement from *Charles Schwab*. The purchase under Claim #12865 is also for 10 bonds (CUSIP# 812350AE6 – Sears Holdings Corporation), and it was performed two days later on 18 Oct 2017 via the Claimant's personal *TD Ameritrade* brokerage account, where these same 10 bonds are still being held as shown in the 31 Aug 2019 statement from *TD Ameritrade*.
 - c. While in appearance these two Claims are for the same amount, they are in fact for two separate purchases in time as well as brokerage accounts totaling 20 bonds (between the 2 Claims). These 20 bonds (10 from each brokerage) are still in the possession of the Claimant.
2. All supporting documentation that confirms the above statements and supports both Proof of Claim Numbers 12865 and 12872 have been submitted with the original Proofs of Claim and supporting document provided in Reference 1. Furthermore, Reference 2 (Document 6378), states that the Objection to the Proof of Claim as it pertains to Claim number 12865 was withdrawn on 21 Jan 2020.
 3. On 18 July 2021, the Claimant contacted the Debtors' counsel listed in the subject Objection and requested a review of the documents that were submitted in the past. On 20 July 2021, Phil Didonator, Esq (Philip.DiDonato@weil.com, representative for the Debtors' counsel) sent an email to the Claimant stating that the Debtors are in agreement that Proof of Claim number 12865 is not duplicative; furthermore, the email states that the Proof of Claim number 12865 was mistakenly listed on the subject Objection (Document 9660). The email went on to say, that another notice will be filed by the Debtors in advance of the 2 Aug 2021 Objection deadline to state that Proof of Claim number 12865 is not duplicative.
 4. Therefore, based on the above facts, the Proof of Claim number 12865 is not duplicative and valid. The purpose of this letter is to document, from the Claimant's perspective, these events to date. Any questions in regards should be directed to the Claimant, David W Tomczak via email at davet@tzworks.net. If email is not sufficient, please address any correspondence at the address: 2293 Clymer Court, The Villages, FL 3216.

Respectfully,



David Tomczak